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PTO/SB/21 (09-04)

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<b>TRANSMITTAL FORM</b>  <i>(to be used for all correspondence after initial filing)</i>		Application Number	10/612,683
		Filing Date	July 1, 2003
		First Named Inventor	*
		Art Unit	*
		Examiner Name	*
Total Number of Pages in This Submission	5	Attorney Docket Number	1000.023 CON

ENCLOSURES <i>(check all that apply)</i>		
<input type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment/Reply  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input checked="" type="checkbox"/> Information Disclosure Statement (SUPPLEMENTAL)  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/Incomplete Application  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s)  <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to Group  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to Group <i>(Appeal Notice, Brief, Reply Brief)</i>  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) <i>(please identify below):</i> <i>PTO Form-1449, return postcard</i>
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm	CONLEY ROSE, P. C.	
Signature		
Printed name	GREGORY L. MAAG	
Date	August 8, 2006	Reg. No. 32,363

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or Printed Name	NANCI D. MOHR		
Signature		Date	August 8, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P. O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO.: 10/612,683

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GROUP ART UNIT:

FILED: July 1, 2003

EXAMINER:

FOR: Treatment Of Obesity By  
Bilateral Vagus Nerve Stimulation

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Cl. Ref. No.: 1000.023 CON

Date: August 8, 2006

Mail Stop Amendment  
Commissioner for Patents  
P. O. Box 1450  
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Sir:

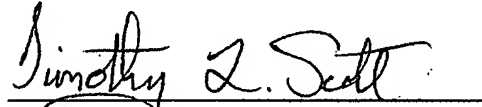
In accordance with 37 CFR §1.97, §1.98, applicant is providing herewith copies of the supplementary items listed on the attached U.S. Patent and Trademark Office Form PTO 1449. This information is supplemental to the Information Disclosure Statement and Form PTO 1449 filed in the above-referenced case on July 28, 2006.

The submission of this Information Disclosure Statement and the references submitted therewith is not an admission that the art cited is "prior" with respect to the present invention, nor is it a representation, that no better art exists. Applicants hereby reserve the right to swear behind or otherwise disprove any alleged "prior" nature of any art cited should the facts support and the situation warrant such an action. It is submitted that the art cited does not constitute a bar to the patentability of Applicants' invention under 35 U.S.C. § 102 or § 103.

Because an Office Action has been entered in this case, this Information Disclosure Statement is being filed under C.F.R. 1.97(c). Applicant hereby authorizes the Commissioner to charge Deposit Account 50-3053 of Cyberonics, Inc. the amount of \$180 so that this Information

Disclosure Statement may be considered. If any additional fee is required to make this submission timely, the Commissioner is further authorized to charge any fee due to Deposit Account No. 50-3053.

Respectfully submitted,

A handwritten signature in black ink, reading "Timothy L. Scott". The signature is written in a cursive style with a horizontal line underneath it.

Timothy Scott  
Assistant General Counsel  
Reg. No. 37931  
CYBERONICS, INC.  
100 Cyberonics Boulevard  
Houston, Texas 77058  
(281) 727-2652  
ATTORNEY FOR APPLICANT



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Substitute for form 1449A/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)			<b>Complete if Known</b>		
			Application Number	10/612,683	
			Filing Date	July 1, 2003	
			First Named Inventor		
			Group Art Unit		
Sheet	1	of	2	Examiner Name	
				Attorney Docket Number	1000.023 CON

**U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
	AA	US-6,908,487		Cigaina	
	AB	US-6,895,278		Gordon	
	AC	US-6,889,076		Cigaina	
	AD	US-6,853,862		Marchal et al.	
	AE	US-6,832,114		Whitehurst et al.	
	AF	US-6,826,428		Chen et al.	
	AG	US-6,775,573		Schuler; Eleanor L. et al.	
	AH	US-6,754,536		Swoyer et al.	
	AI	US-6,684,104		Gordon et al.	
	AJ	US-6,662,053		Borkan; William N.	
	AK	US-6,615,084		Cigaina	
	AL	US-6,615,081		Boveja	
	AM	US-6,611,715		Boveja	
	AN	US-6,610,713		Tracey	
	AO	US-6,609,031		Law et al.	
	AP	US-6,609,025		Barrett; Burke T. et al.	
	AQ	US-6,606,523		Jenkins	
	AR	US-6,600,953		Flesler et al.	
	AS	US-6,594,524		Esteller et al.	
	AT	US-6,591,137		Fischell et al.	
	AU	US-6,587,726		Lurie et al.	
	AV	US-6,587,719		Barrett; Burke et al.	
	AW	US-6,564,101		Zikria	
	AX	US-6,542,776		Gordon et al.	
	AY	US-6,535,764		Imran et al.	
	AZ	US-6,532,388		Hill et al.	
	BA	US-6,510,332		Greenstein	
	BB	US-6,477,417		Levine; Paul A.	
	BC	US-6,473,653		Schallhorn et al.	
	BD	US-6,449,512		Boveja	
	BE	US-6,418,348		Witte; Joachim	
	BF	US-6,327,503		Familoni	
	BG	US-6,321,124		Cigaina	
	BH	US-6,216,039		Bourgeois	
	BI	US-6,129,685		Howard	
	BJ	US-6,115,635		Bourgeois	
	BK	US-6,104,955		Bourgeois	
	BL	US-6,102,922		Jakobsson et al.	

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		Number-Kind Code <sup>2</sup> (if known)			
	BM	US-6,097,984		Douglas	
	BN	US-6,092,528		Edwards	
	BO	US-6,091,992		Bourgeois et al.	
	BP	US-6,083,249		Familoni	
	BQ	US-6,044,846		Edwards	
	BR	US-6,041,258		Cigaina et al.	
	BS	US-6,026,326		Bardy	
	BT	US-6,009,877		Edwards	
	BU	US-5,995,872		Bourgeois	
	BV	US-5,919,216		Houben et al.	
	BW	US-5,861,014		Familoni	
	BX	US-5,836,994		Bourgeois	
	BY	US-5,792,210		Wamubu et al.	
	BZ	US-5,771,903		Jakobsson	
	CA	US-5,690,691		Chen et al.	
	CB	US-5,601,604		Vincent	
	CC	US-5,540,734		Zabara; Jacob	
	CD	US-5,540,730		Terry, Jr.; Reese S. et al.	
	CE	US-5,534,018		Wahlstrand; John D. et al.	
	CF	US-5,514,175		Kim et al.	
	CG	US-5,423,872		Cigaina	
	CH	US-5,411,528		Miller; Leslie S. et al.	
	CI	US-5,263,480		Wernicke; Joachim F. et al.	
	CJ	US-5,231,988		Wernicke; Joachim F. et al.	
	CK	US-5,226,429		Kuzmak	
	CL	US-5,188,104		Wernicke; Joachim F. et al.	
	CM	US-5,074,868		Kuzmak	
	CN	US-5,003,975		Hafelfinger; Werner et al.	
	CO	US-4,793,353		Borkan	
	CP	US-4,612,934		Borkan	
	CQ	US-4,592,339		Kuzmak et al.	
	CR	US-4,459,989		Borkan	